

## **REMARKS**

This Amendment is fully responsive to the final Office Action dated January 8, 2009, issued in connection with the above-identified application. Claims 1 and 7-15 are all the claims pending in the present application. With this Amendment, claims 1 and 13-15 have been amended; claims 7-12 have been canceled without prejudice or disclaimer to the subject matter therein; and claims 16-19 have been added. No new matter has been introduced by the amendments made to the claims or by the new claims added. Favorable reconsideration is respectfully requested.

In the Office Action, claims 1 and 7-15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa (U.S. Publication No. 2004/0072592, hereafter “Hasegawa”) in view of Yamagata et al. (U.S. Publication No. 2003/0174839, hereafter “Yamagata”).

Claims 7-12 have been canceled thereby rendering the above rejection to those claims moot. Additionally, the Applicants have amended independent claims 1 and 13-15 to help further distinguish the present invention from the cited prior art. For example, claim 1 (as amended) recites the following features:

“[a] wireless communications terminal capable of performing a contactless communication by which a command transmitted from a predetermined reader/writer is received and which is performed with the reader/writer based on the received command, and at least one wireless communication via a communications network, the wireless communications terminal, comprising:

a first wireless communications section operable to perform a wireless communication;  
a second wireless communications section operable to perform a contactless communication; and

a wireless communications control section operable to, in an initiation of a contactless communication performed by the second wireless communications section, (i) cause the second wireless communications section to receive the command, (ii) analyze the received command, (iii) automatically deactivate a function of a wireless communication performed by the first wireless communications section, then (iv) cause the second wireless communications section to continue the contactless communication, in accordance with a result of the analysis.”

The features noted above in independent claim 1 are similarly recited in independent claims 13-15. More specifically, claim 13 is directed to a corresponding method; claim 14 is directed to a corresponding switching program; and claim 15 is directed to an integrated circuit. Additionally, the features noted above are fully supported by the Applicants' disclosure.

The present invention (as recited in claims 1 and 13-15) is distinguishable from the cited prior art in that that, in a contactless communication by a second wireless communications section (i.e., prior to performing the communications of main data having higher importance during which it is desirable to avoid radio wave interference), a command is received from a reader/writer and analyzed. Additionally, the communication of the main data is performed after a function of a wireless communication by a first wireless communications section is automatically deactivated so as to avoid the radio wave interference caused by the first wireless communications section.

With the above-described configuration of the present invention, the radio wave interference caused by the wireless communication of relatively unimportant data (e.g., telephone voice data) can be automatically and assuredly avoided in the wireless communication performed by the first wireless communications section, when the wireless communication of the relatively important main data (e.g., credit card data or train ticket data) is performed by the second wireless communications section.

In the Office Action, the Examiner relies on Hasegawa in view of Yamagata for disclosing or suggesting all the features recited in independent claims 1 and 13-15. However, the Applicants assert that the cited prior art fails to disclose or suggest the features now recited in independent claims 1 and 13-15, as amended.

Hasegawa discloses a mobile terminal where functions thereof are switched to a silent mode or an off-line mode at the time of admittance when a mobile terminal with a built-in contactless IC is put over a reader/writer mounted at (or in) a gate of a site (e.g., a concert hall). Accordingly, Hasegawa is similar to the present invention in that a mobile telephone with a built-in contactless IC switches the functions (ON/OFF) of the mobile telephone based on the communication result by the contactless IC. However, Hasegawa and the present invention are different in the timing of switching off the functions of the mobile telephone.

To that end, Hasegawa and the present invention are completely different their effect. Hasegawa has the effect that only a mobile telephone of a user who enters a site is assuredly switched off or switched to the silent mode when the user is automatically checked-in at the entrance (i.e., since the functions of the mobile telephone are switched off or switched to the silent mode only within a period from the completion of the communication by the contactless IC to the next communication performed by the contactless IC at the exit).

In contrast, the present invention has the effect that loss of important data or garbled data (i.e., caused by radio wave interference) is less likely to occur since the functions of the mobile telephone are automatically turned off from the start to the end of the communication by the contactless IC, or when high-security data is transmitted or received after a command APDU (i.e., at the beginning of the communications) is received.

Based on the above discussion, the present invention (as similarly recited in independent claims 1 and 13-15) is distinguished over the Hasegawa. Moreover, Yamagata fails to overcome the deficiencies noted above in Hasegawa.

Specifically, Yamagata discloses a mobile storage medium and mobile terminal device where a memory region on an IC chip has a hierarchical structure, and one or more applications are registered for each directory by setting a personal identification code for each directory; whereby the right to access each of the registered applications can be controlled. However, Yamagata fails to disclose or suggest any specific configuration related to the features and advantages of the present invention noted above.

Accordingly, no combination of Hasegawa and Yamagata would result in, or otherwise render obvious, independent claims 1 and 13-15 (as amended).

With regard to new claims 16-19, the claims depend (directly or indirectly) from independent claim 1. Accordingly, no combination of Hasegawa and Yamagata would result in, or otherwise render obvious, claims 16-19 at least by virtue of their dependencies from independent claim 1.

Finally, the Applicants assert that new claims 16-18 are also distinguishable over the cited prior art on their own merit. Claims 17 and 18 depend from claim 16, and claim 16 includes features not believed to be disclosed or suggested by the cited prior art.

The wireless communications terminal according to claim 16 is distinguishable over the cited prior art (in addition to the advantages of amended claim 1) in that as a result of the analysis of the received command, the function of the wireless communication performed by the first wireless communications section is deactivated without a time limit in the case where access to a memory area having a higher security level is requested, while the function of the wireless communication performed by the first wireless communications section is deactivated with a time limit in the case where access to a memory area having a lower security level is requested.

With the above-described configuration, it is assumed that it takes time for authentication and determination as to whether or not an expense exceeds an upper limit, in the contactless communication of information having extremely high importance and confidentiality (e.g., such as credit card information) performed by the second wireless communications section.

In such a case, the contactless communication performed by the second wireless communications section can be assuredly completed with sufficient time allowance by deactivating the function of the wireless communication performed by the first wireless communications section, not by timer control but without a time limit. On the other hand, it takes tens of milliseconds for the contactless communication of information having moderately high importance and confidentiality (e.g., as train ticket information) to pass through a ticket gate.

In such a case, it is unnecessary for the user to manually reactivate the function of the wireless communication performed by the first wireless communications section after the contactless communication performed by the second wireless communications section (i.e., although time allowance is insufficient) by deactivating the function of the wireless communication performed by the first wireless communications section by timer control. As a result, user convenience can be improved. At least for the reasons noted above, claims 16-19 are distinguishable over the cited prior art on their own merit.

Based on the foregoing, the Applicants respectfully request that the Examiner withdraw the rejection presented in the outstanding Office Action, and pass this application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

Yuka MATSUSHITA et al.

/Mark D. Pratt/

By: 2009.04.08 16:15:39 -04'00'

Mark D. Pratt

Registration No. 45,794

Attorney for Applicants

MDP/ats

Washington, D.C. 20006-1021

Telephone (202) 721-8200

Facsimile (202) 721-8250